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REMARKS

Claims 1-15, 19-37, 169 and 170 were pending in the subject application. By this amendment, applicants have amended claims 1, 7-9, 21, 29-32, and 35-37 and canceled claims 6, 10-15, 20, 26-27, 33, 34, 169 and 170. Accordingly, upon entry of this Amendment, claims 1-5, 7-9, 19, 21-25, 28-32, and 35-37, as amended, will be pending and under examination.

Applicants maintain that the amendments to the claims raise no issue of new matter and respectfully request entry of this Amendment. Support for the amendments to claim 1 may be found *inter alia* in the specification as originally filed on page 51, line 25 to page 52, line 2.

Election/Restrictions

On page 2 of the July 23, 2004 Office Action, the Examiner alleged that the captioned application contains inventions or groups of inventions which are not so linked as to form a single inventive concept.

In response to the Examiner's Restriction Requirement, Applicants hereby elect, with traverse, Examiner's Group I, drawn to an isolated nucleic acid encoding the polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 6, an expression vector comprising said nucleic acid and comprising said vector, and a host cell. Claims 1-5, 7-9, 19, 21-25, 28-32, and 35-37 have been amended so as to recite the invention of Examiner's Group I.

Applicants note that the claims of Examiner's Group I are directed to the sequence of the human SNORF33 receptor. As such, Applicants have amended claim 1 to include the

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sequence of the human SNORF33 receptor as that shown in SEQ ID NO: 6 or that encoded by plasmid pcDNA3.1-hSNORF33-f (ATCC Patent Depository No. PTA-398) or plasmid pEXJ-hSNORF33-f (ATCC Patent Depository No. PTA-570).

Applicant maintain that Groups II and III are not materially and functionally dissimilar to the invention of Group I. The sequences of the human, rat and mouse SNORF33 receptors share significant homology. The human, rat and mouse SNORF33 receptors also bind to the same ligands, therefore sharing the same biological function.

Additionally, Applicants point out that according to M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden. The two criteria for a proper requirement for restriction are that (1) the invention must be independent and distinct, AND (2) there must be a serious burden on the Examiner if restriction is not required.

Applicants maintain that there would not be a serious burden on the Examiner if restriction were not required. A search of prior art with regard to Group I would reveal whether any prior art exists for Group II and Group III since both are classified in the same classes and subclasses. Applicants maintain that a search of prior art for SEQ ID NO:6 (human SNORF33 receptor) would reveal prior art for SEQ ID NO:4 (rat SNORF33 receptor) and for SEQ ID NO:37 (mouse SNORF33 receptor), since the amino acid sequences of the human, rat and mouse SNORF33 receptors are highly homologous, and they share the same ligands.

Applicants maintain that the entire claim set, as previously pending, defines a single inventive concept. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement and examine all of the prior pending

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claims on the merits.

Supplemental Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following reference:

1. Publication No. US 2002-0193584 A1, Chen et al., published 12/19/2002 (SEQ ID NO:12)

This reference is also listed on the Form PTO/SB/08a enclosed herewith.

It is respectfully requested that the Examiner consider the above information and that a copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered. Applicants respectfully request that the Examiner make the cited reference of record in the subject application.

The fee for filing a Supplemental Information Disclosure Statement after the issuance of an Office Action on the merits is one hundred eighty dollars (\$180.00) and authorization has been given to charge the amount of this fee to Deposit Account No. 50-3201.

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Summary

In view of the foregoing amendments and remarks, Applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

No fee, other than the fee of \$610.00 for a two month extension of time and a Supplemental Information Disclosure Statement is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 50-3201.

Respectfully submitted,



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